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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

TESLA, INC.

Defendant.

Case No.: 3:23-cv-04984-JSC

**DECLARATION OF JAMES H. BAKER
IN SUPPORT OF FIRST STIPULATED
ORDER RE: DISCOVERY OF
ELECTRONICALLY STORED
INFORMATION FOR STANDARD
LITIGATION**

DECLARATION

I, James H. Baker, being of lawful age, declare under penalty of perjury, that the following statements are true and correct to the best of my knowledge:

1. I am a Senior Trial Attorney at the United States Equal Employment Opportunity Commission (EEOC), in the San Francisco District Office, and I have personal knowledge of the facts set forth in this Declaration.

2. I submit this declaration in support of the Parties' First Stipulated Order Re: Discovery of Electronically Stored Information for Standard Litigation and in accordance with the Court's Standing Order regarding Protective Orders.

3. The Parties considered using one of the ESI model orders, but it was not practical to

1 do so at this time. In the interest of efficiency and meeting the deadline to exchange significant
2 records in their initial disclosures (ECF 52), the Parties negotiated a truncated ESI protocol that
3 primarily addresses the production specifications for records that the Court ordered produced by July
4 18, 2024. But, as stipulated in their Joint Case Management Conference Statement, the Parties will
5 submit a supplemental ESI Protocol as part of a comprehensive litigation and discovery plan that
6 will address other ESI issues, contemplated by the model ESI order, including ESI sources, relevant
7 custodians, document searches and review, and privilege log exclusions. *See* ECF 50.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct.

10 Dated: July 11, 2024

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12 /s/ James H. Baker
13 James H. Baker
14 EEOC Senior Trial Attorney
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